

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No: 10/810,768  
Applicant: William F. Niland et al.  
Filed: March 26, 2004  
Title: APPARATUS AND METHOD FOR DELIVERING  
WATER VAPOR TO A GAS  
TC/A.U.: 3743  
Examiner: Aaron J. Lewis

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

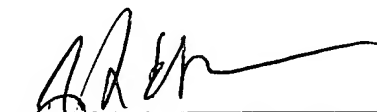
Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO/SB/08a and PTO/SB/08b form submitted herewith. A copy of the references listed on the PTO/SB/08b is enclosed.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination under 37 CFR 1.114.

Respectfully submitted,

  
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Joshua L. Cohen, Reg. No. 38,040  
Joseph E. Maenner, Reg. No. 41,964  
Attorneys for Applicants

JLC/JEM/mc

Enclosures: PTO/SB/08a and PTO/SB/08b  
(2) References

Dated: July 20, 2006

P.O. Box 980  
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(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

SHEET 1 of 2

**Complete if Known**

Application Number	10/810,768
Filing Date	March 26, 2004
First Named Inventor	William F. Niland
Art Unit	3743
Examiner Name	Aaron J. Lewis
Attorney Docket No.	HQS-107US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-3,616,796	11/1971	Jackson	
		US-3,912,795	10/1975	Richard R. Jackson	
		US-4,137,940	02/1979	Yves Faisandier	
		US-4,201,204	05/1980	Rinne et al.	
		US-4,708,831	11/1987	Elsworth et al.	
		US-5,062,145	10/1991	Zwaan et al.	
		US-5,218,833	06/1993	Newbold	
		US-5,769,071	06/1998	Christopher S. Turnbull	
		US-6,367,472 B1	04/2002	Koch	
		US-2002/0195104	12/2002	Fini et al.	
		US-6,653,012 B2	11/2003	Suzuki et al.	
		US-6,877,510	04/2005	Kazufuku Nitta	
		US-6,904,911	06/2005	Lucio Gibertoni	
		US-2005/0121038	06/2005	Christopher, Kent L.	
		US-2005/0178383 A1	08/2005	Mackie et al.	
		US-6,976,489	12/2005	Mantell et al.	
		US-6,988,497	01/2006	Walter Levine	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

<sup>1</sup>Applicant's unique citation designation number (optional).

<sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard St.3).

<sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

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The collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Examiner Name	Aaron J. Lewis
Attorney Docket No.	HQS-107US

SHEET 2 of 2

**NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (In CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		Abstract - "EFFECT OF VAPOTHERM <sup>R</sup> , A HIGH-FLOW HUMIDIFIED O <sup>2</sup> DELIVERY DEVICE, ON BREATHING IN COPD PATTERNS DURING EXERCISE, Nugent T. Vance, G. Criner GJ, Chatlia W. Div Plum and Crit Care, Temple School of Medicine, Phila., PA, (Reprinted from American Journal of Respiratory and Critical Care Medicine Vol. 165, No. 8, Part 2, April 2002, p. A592.	<input type="checkbox"/>
		International Search Report for PCT/US05/09556, search date July 6, 2005	<input type="checkbox"/>
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